

TO: Clerk's Office

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

UNITED STATES OF AMERICA

-v.-

21-MJ-293

RYAN BEHAR

Docket Number

SUBMITTED BY: Plaintiff Defendant DOJ ☒

Name: Garen S. Marshall

Firm Name:USAO-EDNY

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INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO

If yes, state description of document to be entered on docket sheet:



A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal investigation

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: Brooklyn, NEW YORK

3/9/2021 Cheryl L. Pollak

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE _____ DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

03/09/2021

DATE

Garen Marshall

SIGNATURE

AB:GSM
F. #2021R00137

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

RYAN BEHAR,

Defendant.

----- X

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

(18 U.S.C. § 2251(e))

21-M-293

EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL BUSCEMI, being duly sworn, deposes and states that he is a Special Agent of the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about and between September 13, 2020 and October 5, 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RYAN BEHAR did knowingly and intentionally attempt to employ, use, persuade, induce, entice and coerce a minor to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce and which would be in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depictions were actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting

interstate and foreign commerce.

(Title 18, United States Code, Section 2251(e))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and I have been in that role since 2015. I am now assigned to the FBI's Child Exploitation and Human Trafficking Task Force, which investigates individuals suspected of being involved in the receipt, distribution, possession and production of child pornography and sex trafficking, among other offenses. While employed by the FBI, I have conducted and participated in numerous investigations of criminal activity, including, but not limited to investigations related to the sexual exploitation of children, child pornography, and other sex offenses. As a result, and based on my training and experience, I am familiar with the laws regarding sexual offenses and how sexual offenses are commonly committed. I have been assigned to investigate violations of criminal law relating to sexual offenses, and I have gained expertise in how to conduct such investigations through, among other things, training I have received in seminars and classes, and my daily work in relation to these types of investigations. As part of my responsibilities, I have participated in numerous investigations into the commission of various sex offenses. During these investigations, I have executed, or participated in the execution of, numerous search warrants involving electronic devices. I have also received training regarding computer technology and the way electronic devices are used to further criminal activity,

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

including sex offenses. I have training and experience in numerous areas of criminal investigations and procedures, including search warrant applications, executing searches and seizures, and seizing and processing computer evidence. As part of my responsibilities, I have reviewed thousands of images depicting children (less than eighteen years of age) being sexually exploited by adults. Through my training and experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. I am familiar with the facts and circumstances set forth below from my own participation in the investigation, my review of the investigative file, and from my conversations with, and review of reports of, other law enforcement officers and agents involved in the investigation.

PROBABLE CAUSE

3. On or about January 24, 2021, New York City Police Department (“NYPD”) officers from the 121st Precinct arrested RYAN BEHAR for endangering the welfare of a child, in violation of New York Penal Law Section 260.10(1). Incident to his arrest, officers recovered an Apple iPhone cellular device, serial number FCCQW9CLGRWQ (the “Device”) from BEHAR’s person.

4. As set forth below, between approximately January 17, 2021, and January 20, 2021, 42-year-old BEHAR attempted to lure a 12-year-old girl whose identity is known to me (“Victim-1”) online to engage in sexual activity and to provide BEHAR with sexually explicit images and/or video. Specifically, on approximately January 17, 2021, BEHAR messaged Victim-1 using Instagram account @slimvectra2025 (“Slimvectra2025”). Falsely claiming he was a teenage boy—although, as referenced above, he is in fact 42 years old—BEHAR asked Victim-1 for her age. Victim-1 replied that she was 12 years old. BEHAR then

requested that she meet him inside of the Staten Island Mall (the “Mall”). Then, on or about January 20, 2021, BEHAR used Slimvectra2025 during an Instagram Live chat to instruct Victim-1 to stand up and lift her shirt. Victim-1 then informed her parents about BEHAR’s messages.²

5. On or about January 20, 2021, after Victim-1 notified her parents of BEHAR’s communications, Victim-1’s aunt, whose identity is known to me, created Instagram account @lolagirlbk (“Lolagirlbk”) and used it to message BEHAR’s Slimvectra2025 account, stating she was a 17-year-old girl named “Lola.” Through Lolagirlbk, Victim-1’s aunt communicated with BEHAR between approximately January 20, 2021, and January 24, 2021. BEHAR, using Slimvectra2025 and posing as a teenager named “Vinny Conti,” told “Lola” that his older brother was “looking for a girlfriend.” When “Lola” asked for a picture of “Conti’s” brother, BEHAR provided a picture of himself. BEHAR then repeatedly asked “Lola” to meet him at the Mall, and on several occasions he expressed concern about being caught engaging in illegal conduct, stating “[BEHAR] can smell something fishy he wants to be extra careful” and “Your [sic] underage . . . [BEHAR] don’t wanna get in trouble with the law.” Nonetheless, when asked if BEHAR was “ok with [“Lola”] being 17,” BEHAR said he was. He then proceeded to send “Lola” a number of sexually-oriented messages, including (i) “Is your chest tiny or big,” (ii) “What if [BEHAR] said show me your boobs what will u say,” (iii) “How u

² On other occasions, BEHAR provided self-identifying information to others via Instagram account @slimvectra2025. On or about September 16, 2020, @slimvectra2025 identified himself to another user as Ryan Behar. In addition, on or about September 10, 2020, @slimvectra2025 indicated that he lives in Staten Island on Vassar Street, the same street on which BEHAR resides. Finally, on several occasions, @slimvectra2025 provided Instagram users with images of BEHAR, though he indicated that they were actually images of @slimvectra2025’s older brother.

gonna show [BEHAR] your chest,” (iv) “What are u both gonna do in a hotel,” and (v) “if u saw his thingy what u going to do.” Then, on January 24, 2021, BEHAR attempted to meet “Lola” at the Mall.

6. BEHAR went to the Mall on January 24, 2021. In light of the communications above, it is evident that he did so to engage in the sexual abuse he had discussed with Lolagirlbk over the preceding days and believing he had been communicating—and would engage in sexual acts—with a 17-year-old girl. Upon his arrival, BEHAR messaged Lolagirlbk using Slimvectra2025. He then described in messages, and provided two pictures of, the outfit he was wearing. At that point, Victim-1’s father, whose identity is known to me, entered the Mall and observed BEHAR wearing an outfit matching the description and pictures. Victim-1’s mother, whose identity is known to me, notified the police, and responding NYPD officers arrested BEHAR approximately one block from the Mall.

7. Victim-1’s father observed BEHAR using a cell phone when he saw BEHAR in the Mall. The Device (and no other cell phone or communication device) was recovered from BEHAR at the time of his arrest. Additionally, as BEHAR was being apprehended, officers observed him appearing to delete materials from the Device. As described below, subsequent analysis of the Device showed, consistent with the officers’ observations, that applications and other data were erased from the Device on the day of BEHAR’s arrest.

8. On or about February 10, 2021, I executed a search warrant on the Device. However, when FBI investigators turned the Device on to begin their forensic examination of the Device, they observed that data and applications on the Device had been deleted by the user on January 24, 2021, the day of BEHAR’s arrest by the NYPD. FBI investigators determined that

the applications deleted from the Device on January 24, 2021, included social media and messaging applications Instagram, Snapchat, Twitter and TextNow.

9. On or about February 22, 2021, I executed a search warrant on Facebook, Inc. (“Facebook”), for the contents of Instagram account @slimvectra2025. Facebook subsequently provided information regarding BEHAR’s use of Slimvectra2025 on or about and between August 25, 2020 and February 22, 2021. These records (the “Slimvectra2025 Records”) establish that BEHAR continued his pattern of repeated inappropriate contact with minors during this period.

10. On or about September 13, 2020, BEHAR began communicating with via Instagram with Jane Doe 1, who identified herself as a 16-year-old girl.³ Over the course of several weeks, BEHAR repeatedly engaged in sexually explicit communications with Jane Doe 1, and made sexual comments and requests to Jane Doe 1, such as: “[r]ide my hard fat dick,” “[m]ake my dick hard,” “Get naked bend over bounce your titties please” and “Can you bend over I wanna put my dick in your ass.” On or about September 16, 2020, BEHAR sent Jane Doe 1 an image of an erect penis and stated, “That’s mine.” BEHAR sent another image of an erect penis to Jane Doe 1 on or about September 26, 2020, again stating, “That’s mine.” On several occasions, BEHAR also instructed Jane Doe 1 to produce and send BEHAR nude images and video, including visual depictions of her masturbating. For example, on or about September 26, 2020, while participating in a video call via Instagram with Jane Doe 1, BEHAR gave Jane Doe 1 the following directions: “Go in bathroom . . . Keep camera on . . . Change clothes in front of me . . . Lower . . . Stay on camera . . . Do you have hairbrush . . . Use that in your ass . . . Stay

³ Database searches and contact with local law enforcement also indicate that Jane Doe 1 is a minor.

on cam . . . Love u . . . Keep camera on . . . Please . . . Bend over.” In addition, on other occasions Behar sent Jane Doe 1 requests such as, “[s]end full body” and “[s]end video.”

11. The Slimvectra2025 Records identify IP address 98.13.164.163 as the IP address used to register the @slimvectra2025 Instagram account on August 25, 2020. This IP address (the “IP Address”) was also used numerous times to access the @slimvectra2025 Instagram account from on or about and between September 2020 and January 2021.

12. On or about February 17, 2021, Charter Communications provided business records indicating that the IP Address is that of the SUBJECT PREMISES. Additionally, the IP address is registered to an individual, whose identity is known to me, with whom BEHAR resides.

13. Accordingly, I respectfully submit that there is probable cause to believe that the defendant RYAN BEHAR used Instagram to attempt to persuade a minor, Jane Doe 1, to create sexually explicit visual depictions of herself and to send BEHAR these visual depictions via the internet.

14. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the Application and Arrest Warrant, as disclosure would give the target of the investigation an opportunity to destroy evidence, harm or threaten witnesses, change patterns of behavior, and flee from or evade prosecution and therefore have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

WHEREFORE, your deponent respectfully requests arrest warrant for the defendant RYAN BEHAR so that he may be dealt with according to law.



MICHAEL BUSCEMI
Special Agent
Federal Bureau of Investigation

Sworn to before me by telephone this
9th day of March, 2021



THE HONORABLE CHERYL L. POLLAK
CHIEF UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

RYAN BEHAR

Case No. 21-MJ-293

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) RYAN BEHAR,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Attempted Sexual Exploitation of a Child, in violation of Title 18, U.S.C., Section 2251(e).

Date: 03/09/2021

Cheryl L. Pollak
Issuing officer's signature

City and state: Brooklyn, NY

The Honorable Cheryl L. Pollak
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title